

which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-2, F-3, F-6, and F-7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska, 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-3, F-4, F-5, and F-6. The use of these quadrangles and the protracted landlines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above-described basin, and should any discrepancy appear upon on the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the landlines protracted upon the aforementioned United States Geological Survey Quadrangles.”

(46) In section 1427(g) of the bill, strike out the words “as amended by section 912 of this Act” and insert in lieu thereof the words “as amended by section 911 of this Act”.

(47) Strike out paragraph (6) of section 503(h) of the bill and substitute:

“(6) Upon application of the United States Borax and Chemical Corporation or its successors in interest, the Secretary shall permit the use by such applicant of such limited areas within the Misty Fjords National Monument Wilderness as the Secretary determines to be necessary for activities, including but not limited to the installation, maintenance, and use of navigation aids, docking facilities, and staging and transfer facilities, associated with the development of the mineral deposit at Quartz Hill. Such activities shall not include mineral extraction, milling, or processing. Such activities shall be subject to reasonable regulations issued by the Secretary to protect the values of the monument wilderness.”

(48) Strike out paragraph (8) of section 503(h) of the bill and substitute:

“(8) Designation by section 703 of this Act of the Misty Fjords National Monument Wilderness shall not be deemed to enlarge, diminish, add, or waive any substantive or procedural requirements otherwise applicable to the use of offshore waters adjacent to the Monument Wilderness for activities related to the development of the mineral deposit at Quartz Hill, including, but not limited to, navigation, access, and the disposal of mine tailings produced in connection with such development.”

(49) In section 1427(l) strike out the words “under subsection (g)(3) of this Act” and insert in lieu thereof “under subsection (g)(3) of this section”.

Agreed to December 1, 1980.

Dec. 1, 1980
[H. Con. Res. 453]

CORRECTIONS IN ENROLLED BILL H.R. 39

Ante, p. 2371.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 39), to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other

purposes, the Clerk of the House of Representatives shall make the following corrections:

Add at the end of section 1327 of the bill the following:

"PUBLIC LAND ENTRIES IN ALASKA

"SEC. 1328. (a)(1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1364), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

"(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wildlife Refuge System, or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established before the effective date of this Act or by this Act, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by, tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

"(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, if on or before the one hundred and eightieth day following the effective date of this Act—

"(A) a Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

"(B) the State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

“(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity; or

“(D) the State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection, tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law; or

“(E) regarding public land entries within units of the National Wildlife Refuge System established or expanded in this Act, any such entry not properly made under applicable law, or not the subject of an application filed within the time required by applicable law, or not properly maintained thereafter under applicable law shall be adjudicated pursuant to the Act under which the entry was made.

“(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

“(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the entry's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided further*, That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

“(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 1328(a)(1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any

other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

"(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands."

Agreed to December 1, 1980.

CORRECTIONS IN ENROLLED BILL S. 988

Dec. 4, 1980

[S. Con. Res. 136]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980", the Secretary of the Senate shall make the following corrections:

Ante, p. 3183.

(1) In the proposed heading for section 434 of the Public Health Service Act (as contained in section 203(a) of the bill) strike out "INSTITUTES" and insert in lieu thereof "INSTITUTE".

(2) In section 435(a) of the Public Health Service Act (as amended by section 204(c) of the bill) strike out "subsection (d)" and insert in lieu thereof "this subsection".

(3) In section 206 of the bill strike out "304" and insert in lieu thereof "205".

(4) In the proposed section 437(b)(2) of the Public Health Service Act (as contained in section 206 of the bill)—

(A) strike out "(or the director's designee)";

(B) insert after "Defense" the following: "(or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established"; and

(C) insert before the period at the end the following: "(or the designees of such ex officio members)".

(5) In the proposed section 437(h)(3) of the Public Health Service Act (as contained in section 206 of the bill) strike out "the Secretary" and insert in lieu thereof "Congress, the Secretary"